



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Angeles National Forest Employees

File: B-251567

Date: May 6, 1993

DIGEST

Due to water contamination of employees' government quarters, and no other practical alternatives being available, the Forest Service temporarily lodged two employees and their families at a hotel within their official duty station area. In view of these emergency circumstances, the general rule prohibiting the payment of subsistence expenses at an employee's official duty station is not applicable, and 5 U.S.C. § 5911(b) (1988) provides sufficient statutory authority for the Forest Service to pay for the temporary lodging expenses incurred.

DECISION

The Forest Service, United States Department of Agriculture, requests a decision as to whether it may pay for the temporary lodging expenses of two Forest Service employees and their families when they had to vacate their government quarters because the water supply had become contaminated.¹ For the following reasons, the Forest Service may pay their temporary lodging expenses.

The two Forest Service employees and their families live in government quarters in the Angeles National Forest in California, and pay rent to the government under their "Quarters Assignment Agreement", authorized by 5 U.S.C. § 5911(b) (1988). From February 20 through March 5, 1992, they were forced to evacuate their government quarters due to water contamination and the Forest Service decided to temporarily lodge the employees and their families at a hotel within their official duty station area until the water contamination problem was resolved. The Forest Service states that there were no other available government quarters and no other practical alternatives to the one it

¹This request was submitted by Mr. Michael Duffy, Authorized Certifying Officer, Forest Service, United States Department of Agriculture, San Francisco, California.

chose. A total of \$3,220 for temporary lodging expenses was incurred.

Title 5 U.S.C. § 5911(b) (1988) permits the Forest Service to provide the employees and their families, either "directly or by contract," with quarters and facilities, when conditions of employment or of availability of quarters warrant such action. Additionally, 5 U.S.C. § 5911(a)(5) (1988) defines "quarters" as "quarters owned or leased by the Government." Thus, "quarters" may include a hotel or other accommodations leased by the government or by employees acting on its behalf.

It is a well-established rule that the government may not pay the lodging expenses of, or furnish free food to, civilian employees at their official duty stations from appropriated funds without specific authority of law. 53 Comp. Gen. 71 (1973). However, this general rule prohibiting the payment of subsistence expenses at an employee's official duty station is not without exceptions. As the decision just cited recognized, our Office has allowed reimbursement of subsistence expenses in exceptional circumstances. See also Richard D. Rogge, B-189003, July 5, 1977.

Because of the necessity of immediate evacuation of the two employees and their families from their government quarters and the lack of any other practical alternatives, we believe that the general rule prohibiting the payment of subsistence expenses at an employee's official duty station is likewise not applicable. In view of the emergency situation due to the water contamination, 5 U.S.C. § 5911(b) (1988) provides sufficient statutory authority for the Forest Service to pay for the temporary lodging expenses incurred by these employees and their families during the brief period involved.

Accordingly, the Forest Service may pay the temporary lodging expenses of the employees and their families for the period of February 20 through March 5, 1992.


James F. Hinchman
General Counsel